

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

I. Claim Status

No claims are amended, added or cancelled. Thus, claims 1-3 and 5-21 remain pending and are subject to examination on the merits. Claims 9-20 remain withdrawn.

II. Acceptance of Drawings

Applicants acknowledge the drawing objections made by the PTO draftsman. Formal Drawings addressing these objections will be filed shortly.

III. The 35 U.S.C. § 102(b) Rejection Should Be Withdrawn

Claims 1-3, 5-8 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,379,574 (“Leichtl”). Leichtl fails to disclose, teach or suggest the claimed invention.

For example, Leichtl fails to disclose, teach or suggest a container that comprises, among other things, an orifice “wherein the deformable connection piece edge region includes a portion configured to extend in a direction substantially parallel to the longitudinal axis, a sloped portion, extending from the portion, configured to run at an angle with respect to the longitudinal axis, and a projection, extending from the sloped portion, configured to project radially toward an inside of the orifice before deformation” as recited in claim 1.

Leichtl discloses a tank wall 28 where a cylindrical spout 23 extends from an opening in the tank wall 28 (Leichtl at col. 2, lines 19-21). “The spout 24 has a lower cylindrical portion 30 extending into the opening. The lower portion 30 has a plurality (in this case four) outwardly extending tabs 32” (Leichtl at col. 2, lines 21-24).

The Office contends that there are elements in Leichtl (identified in parenthesis) that correspond to the claimed container (tank wall 28), the connection piece (filler spout 24), the

portion (cylindrical portion 30), the sloped portion (angled portion between cylindrical portion 30 and tab 32) and the projection (tab 32) (Office Action at pp. 2-3).

Leichtl fails to disclose, teach or suggest a deformable connection piece edge region that includes the portion, the sloped portion and the projection of claim 1. The Office fails to identify what element of Leichtl corresponds to a deformable connection piece edge region. Although the Office contends that the cylindrical portion 30 corresponds to the claimed portion, that an angled portion between cylindrical portion 30 and tab 32 corresponds to the claimed sloped portion and that the tab 32 corresponds to the claimed projection, the alleged portion (cylindrical portion) 30, the alleged sloped portion (angled portion between cylindrical portion 30 and tab 32) and the alleged projection (tab 32) do not appear to be part of the same element where the element is deformable (Leichtl at Fig. 1). Because Leichtl does not teach these components are part of the same element, they cannot be considered the deformable connection piece edge region of claim 1.

Additionally, Leichtl fails to disclose, teach or suggest “a portion configured to extend in a direction substantially parallel to the longitudinal axis” as recited in claim 1. The Office contends that the cylindrical portion 30 corresponds to the portion. Leichtl, however, discloses that the alleged portion (cylindrical portion 30) is perpendicular and not parallel to a longitudinal axis (Leichtl at Fig. 1). Thus, Leichtl does not teach this feature of claim 1.

Leichtl also fails to disclose, teach or suggest “a sloped portion, extending from the portion, configured to run at an angle with respect to the longitudinal axis, and a projection, extending from the sloped portion” as recited in claim 1. It is unclear to Applicants where Leichtl discloses any sloped portion between cylindrical portion 30 and tab 32. The alleged projection (tab 32) extends from a straight portion, which is parallel to a longitudinal axis, but the alleged projection (tab 32) fails to extend from any sloped portion. Moreover, the straight portion from which the alleged projection (tab 32) extends, does not extend from the alleged portion (cylindrical portion 30). Instead, the straight portion is adjacent to the alleged portion (cylindrical portion 30) (Leichtl at Fig. 1). Thus, Leichtl does not teach these features of claim 1.

For at least the aforementioned reasons, the rejection of claim 1 is improper. Claims 2-3, 5-8 and 21 depend from claim 1 and are allowable, therewith, for at least the same reasons as claim 1 in addition to their respective recitations. Favorable consideration and withdrawal of the 35 U.S.C. § 102 rejection is respectfully requested.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants, hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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